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OFFICE OF PETITIONS

In re Application of
Magne Solbakken et al.
Application No. 10/541,949
Filed: June 7, 2006
Attorney Docket No. PN0302

DECISION ON PETITION

This is a decision on the three petitions to Remove a Document filed June 14, 2010, which is being treated as a request under 37 CFR 1.182 that the acceptance of three terminal disclaimers filed January 21, 2009 be withdrawn. This is also a decision on the request for refund of the terminal disclaimer fees.

The petitions for withdrawal of terminal disclaimers are GRANTED.

The petitions for refund of the terminal disclaimer fees are DISMISSED.

The non-final Office action of January 5, 2010 included several non-statutory double patenting rejections. In response thereto, applicants filed four terminal disclaimers on June 9, 2010. Petitioner requests that three of the terminal disclaimers now be withdrawn. The three terminal disclaimers to be withdrawn are for patents 6,264,914, 6,921,525 and 7,182,934.

The examiner of record has indicated to the undersigned that the three terminal disclaimers in question are no longer needed as the obvious double patenting rejections based on the three patents are no longer applicable.

A petition filed under 37 CFR 1.182 requires a fee under 37 CFR 1.17(f) which is currently \$400. The petition fees for the three petitions have been charged to petitioner's deposit account.

Petitioner requests refund of the terminal disclaimer fees. 37 CFR 1.26 states in part:

§ 1.26 Refunds.

(a) The Director may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent filing for which the fee was paid, including an application, an

appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee.

The terminal disclaimer fees were not paid by mistake and the request is for a change of purpose. For this reason the requests for refund of the terminal disclaimer fees cannot be granted.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-6842.



Carl Friedman
Petitions Examiner
Office of Petitions